

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4747 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.140 of 2017 on the file of the Station House Officer, Manuguru Police Station, registered under Section 3(G)(R)(S)(T) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioners submitted that the police and revenue officials made an attempt on 08.06.2017 to implement the orders passed by the Government in G.O.Ms.No.44, Tribal Welfare (LTR) Department, dated 07.10.2016; in that connection tension prevailed in the village, and the petitioners, who are the village elders, have nothing to do with the disputes between two tribal groups. He further submitted that the second respondent falsely implicated the petitioners for the reasons known to her. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are A1 to A3 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, on 08.06.2017 at about 11.00 a.m., the petitioners entered

into the house of the second respondent and insulted her by abusing in the name of her caste. A perusal of the record reveals that the Government issued G.O.Ms.No.44, Tribal Welfare (LTR) Department, on 07.10.2016. A perusal of the record also reveals that some of the villagers have filed Writ Petition No.36656 of 2016 on the file of this court. A perusal of the record reveals that there is a serious land dispute between two groups of the village, who belong to tribal community. It is not in dispute that the petitioners herein are not tribals.

4. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**,

¹ AIR 1960 SC 866

V.Y.Jose v. State of Gurajat³ and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

6. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar⁵**, the Station House Officer, Manuguru Police Station, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.140 of 2017, so far as the petitioners, who are accused Nos.1 to 3, are concerned.

7. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date:23.06.2017
Rns

T.SUNIL CHOWDARY, J

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273